Serial No. 10/828,604
Amendment and Response to Office Action
Mailed: 30 November 2005

REMARKS

Claims 1-19 were presented in this application. In the present Office Action, claims 1-19 are rejected, but claims 11, 14, 15 and 18 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 1, 2, 12, 17 and 19 are presently amended. Claims 1-19 remain pending. In view of the amendments above and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Applicant thanks the Examiner for indicating claims 11, 14, 15 and 18 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims; however, for the reasons discussed below Applicant believes the Claims are allowable in the present form.

Claims 18 and 19 are objected to because of lack of insufficient antecedent basis for "the server latch." Applicant has amended both claims to remove the term "server" so that proper antecedent basis is now present for "the latch." Applicant requests withdrawal of this rejection.

Claims 1-10, 12, 13, 16, 17 and 19 are rejected under 35 USC 102(e) as being anticipated by Miller et al. (US6,893,061 B2). Applicant's original claim 1 recited "a latch spring connected to a component ... and ... a lever connected to the component..." This innovative arrangement means that only a simple "catch that is connected to a rack" is needed on the rack assembly. Conversely, Miller connects latch 126 to the dishwasher tub assembly which the Examiner refers to as the "component" and connects lever 144 to door 112 which the examiner refers to as the "rack". Clearly Miller's latch and lever are not both connected to the "component" as recited in Applicant's Claim 1. However, the Examiner asserts "the lever is connected

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to the component (when in the engaged position)". In order to make clear that
Applicant's latch and lever are both positioned on the component, Claim 1 has been
herein amended to recite: ""a latch spring attached to a component ... and ... a lever
rotatably mounted to the component..." as described in paragraph [0010] of Applicant's
specification. For this reason, Miller does not anticipate Applicant's Claim 1.

Applicant's Claim 1 recites: .. wherein rotation of said lever from the latched
position to the unlatched position moves said latch spring from the engaged position to
the disengaged position in a direction parallel to the axis of rotation." This direction of
movement of the latch spring allows the both elements of the latch assembly to be
positioned on the component and to engage with "the catch that is attached to a rack".
Conversely, Miller's lever 144 moves the spring latch 126 in a direction 152 that is
perpendicular to axis of motion 148. (Figure 4 and Col 4, lines 35-54) Miller's latch thus
operates in a manner that is completely different from Applicant's innovative latch. For
this additional reason Miller does not anticipate Applicant's Claim 1 and withdrawal of
this rejection is therefore requested.

Applicant's independent claims 12 and 17 are similarly distinguished over Miller.

Dependent Claims 2-11, 13-16 and 18-19 depend directly or ultimately on an
allowable base Claim and are therefore allowable for this reason and by virtue of their
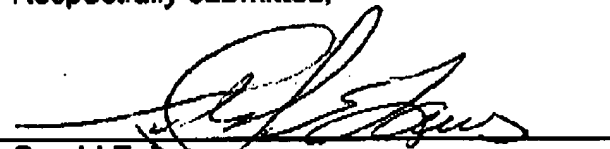further distinctive recitations.

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Conclusion

The Applicant respectfully submits that all pending claims are in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: 2/1/2006

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